

Application No.: 10/615,789

REMARKS

Claims 2-16 are pending in this application, with claims 3, 15, and 16 being independent. Claims 3, 15, and 16 have been amended. For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art.

As a preliminary matter, Applicants thank Examiner Fletcher for the thoughtful courtesies and kind treatment afforded to Applicants' representative, Babak Akhlaghi, during the telephonic interview conducted on November 24, 2008. This response reflects the substance of the interview. During the interview, the rejection of claim 3 over U.S. Patent Number 6,351,474 ("Robinett") was discussed. In particular, Applicants pointed out that Robinett fails to describe or otherwise suggest an audio-visual data recording/reproducing device, wherein synchronous transfer is performed with higher preference than asynchronous transfer, as recited in claim 3.

The Examiner disagreed. Toward this end, the Examiner pointed to column 41, lines 3-5 of Robinett, asserting that in processor 160 transport packets containing bursty data with no specific continuity, propagation delay or bit rate requirements are assigned the lowest priority. The Examiner asserted that such data correspond to asynchronous data.

Notwithstanding the above, the Examiner agreed that that the alleged order of preference in the processor 160 does not depend on which of the alleged interfaces 140, 150 are being used. Accordingly, to overcome the pending rejection, the Examiner suggested amending the claims to recite "transfer through the stream data input/output interface is performed with higher preference than transfer through the asynchronous input/output interface." In reliance on this assertion, Applicants have amended independent claims 3, 15, and 16 to include such a feature.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3, 15, and 16.

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Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Because claim 3 is allowable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also allowable. In addition, it is respectfully submitted that the dependent claims are allowable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §§ 102, 103 be withdrawn.

Conclusion

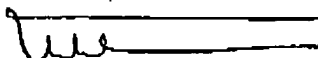
Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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